

Notice of Allowability

Application No.

10/644,591

Examiner

Victor K. Hwang

Applicant(s)

CHARNITSKI, RICHARD D.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed Nov. 12, 2004.
2. ☒ The allowed claim(s) is/are 55-73.
3. ☒ The drawings filed on 19 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

JEROME W. DONNELLY
PRIMARY EXAMINER

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20041126
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050127
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glen L. Nuttall on January 31, 2005.

2. The application has been amended as follows:

In the Specification:

- A) Page 6, line 22, replace "42" with --20--.
- B) Page 7, line 15, after "such" insert --as--.

In the Claims:

- A) Rewrite claim 55 as follows:

--55. (Currently Amended) An exercise apparatus comprising:

a rotatably mounted axle;

a weighted flywheel communicating with the axle and adapted to rotate with the axle to provide an inertial resistance;

a line having opposing first and second ends that are attached to the axle, a first portion of the line being wound about the axle in a first direction and a second portion of the line being wound about the axle in a second direction;

the line arranged so that, for each direction of axle rotation, as one of the first and second portions is unwound from the axle, the other of the first and second portions is simultaneously wound about the axle; and

at least one handle communicating with the ~~lines~~ line and adapted to be operated by a user to manipulate the line to impart oscillating rotational acceleration and deceleration to the axle so that a first muscle group of the user performs a positive work portion against the inertial resistance produced by the rotating weighted flywheel and a second muscle group performs a negative work portion against the inertial resistance produced by the rotating weighted flywheel for each direction of axle rotation, and the positive and negative work aspects of the exercise oscillate between muscle groups each time the rotational direction of the axle and weighted flywheel changes.--.

B) Amend claim 58 as follows:

--58. (Currently Amended) The exercise apparatus of claim 55, wherein the axle is a first axle, and additionally comprising a second axle spaced from the first axle, the second axle communicating with the first axle so that the second axle rotates with the first axle.--.

C) Amend claim 66 as follows:

--66 (Currently Amended) An exercise apparatus comprising:

a frame configured to be supported on a substantially flat surface:

an axle rotatably mounted to the frame;

a weighted flywheel communicating with the axle and adapted to rotate with the axle to provide an inertial resistance;

a line having first and second ends, a wrapped portion of the line between the first and second ends being wrapped about the axle;

first and second handles attached to the line on opposite sides of the wrapped portion, the handles adapted to be operated by a user; and

a line guide between each handle and the wrapped portion;

wherein the apparatus is configured so that a user simultaneously applying force to the first handle with a first muscle group and the second handle with a second muscle group while the axle is rotating simultaneously performs positive work with the first muscle group against the inertial resistance produced by the rotating weighted flywheel and negative work with the second muscle group against the inertial resistance produced by the rotating weighted flywheel, and such positive and negative work oscillates between the first and second muscle groups as the rotational direction of the axle and weighted flywheel changes.--.

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose an exercise apparatus comprising a weighted inertial flywheel adapted to rotate with an axle about which a line is wrapped about, the line having at least one handle in communication with it to rotatably oscillate the axle and flywheel so that a first muscle group performs positive work against the inertial resistance and a second muscle group simultaneously performs negative work against the inertial resistance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
January 31, 2005



JEROME W. DONNELLY
PRIMARY EXAMINER